

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF OCTOBER 11, 2002

(Published October 19, 2002,  
in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
October 11, 2002 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Biernat, Johnson, Colvin Roy, Zimmermann, President Ostrow.

Absent - Lane.

Lilligren moved acceptance of the minutes of the regular meeting held September 27, 2002. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

### PETITIONS AND COMMUNICATIONS

#### **COMMUNITY DEVELOPMENT:**

COORDINATOR (268244)  
Focus Minneapolis: Status Report.

#### **COMMUNITY DEVELOPMENT and INTERGOVERNMENTAL RELATIONS (See Rep):**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268245)  
Minneapolis Grand Excursion 2004 Legacy Project: Approve.

#### **COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS (See Rep):**

PUBLIC WORKS AND ENGINEERING (268246)  
Excess Public Right-of-Way Parcels: Contract with MCDA for marketing and sale of parcels.

#### **HEALTH AND HUMAN SERVICES:**

CIVIL RIGHTS (268247)  
Community Summit I: Recommendations from 6/27/2002 meeting.  
HEALTH AND FAMILY SUPPORT SERVICES (268248)  
Adult vendor award: Presentation to the Southeast Asian Refugee Community Home (SEARCH).  
Public Health Emergency Preparedness Planning: Quarterly update.

**HUMAN RESOURCES (268249)**

Promotional rates for City employees: Preliminary report of promotions between 9/1/97 to 8/30/2002.

**HEALTH AND HUMAN SERVICES and PUBLIC SAFETY AND REGULATORY SERVICES:**

**CIVIL RIGHTS COMMISSION (268251)**

Federal Mediator: Record of Commission vote supporting intervention between the City of Minneapolis, Police Department and community.

**HEALTH AND HUMAN SERVICES (See Rep):**

**HEALTH AND FAMILY SUPPORT SERVICES (268250)**

Health Education Consulting Services: Contract with Cindy Kallstrom.

**HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):**

**CIVIL RIGHTS (268252)**

Service Contract with MCDA: Modification to Contract #11786 to increase the compensation related to the Heritage Park Project.

Civil Rights Community Summits: Utilize grant funds of \$8,000 from Minneapolis Foundation.

**HEALTH AND FAMILY SUPPORT SERVICES (268253)**

Healthy Start Project: Accept \$50,000 in federal Health Education Plus funds.

PACER Center, Inc: Accept \$12,500 for METP Youth Vendors to serve disabled Minneapolis youth.

C.L.A.S.S.: Accept \$35,100 of Minneapolis Public School District #1 funds to support youth participants basic skills tests.

Family Home Visiting Funds: Accept \$2,240,658 from MN Dept of Health to support eligible families through contracts with Hennepin County & community partners.

Minneapolis Multicultural Services: Approve Step 6 for Vicenta Valero for Bilingual Program Aide position.

**LICENSES AND CONSUMER SERVICES (268254)**

Lead-Safe Housing: Submit application for \$25,000 grant from MN Dept of Health for temporary lead-safe housing for families displaced by lead hazard reduction.

Environmental Response Fund: Submit application for \$8,000 grant from Hennepin County for lead hazard reduction at 3733 2nd Av S.

Environmental Response Fund: Submit application for \$15,000 grant from Hennepin County for lead hazard reduction at 2104 Glenwood Av N.

**INTERGOVERNMENTAL RELATIONS:**

**AMERICAN ASSOCIATION OF RETIRED PERSONS (268255)**

Legislative Agenda: AARP Informational brochure; Model State Statute "Home Loan Protection Act."

**COUNCIL MEMBER ZERBY (268256)**

Association of Metropolitan Municipalities Policy on Affordable Housing.

**FINANCE DEPARTMENT (268257)**

Mpls Firefighters' Relief Association Management Practices Report, w/Attachments.

Mpls Police' Relief Association Management Practices Report, w/Attachments.

**HEALTH AND FAMILY SUPPORT SERVICES (268258)**

Legislative Agenda: Tobacco Tax Increase Report.

**PROPERTY TAX STUDY PROJECT (268259)**

Trends in Minnesota Government Spending.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

**LICENSES AND CONSUMER SERVICES (268260)**

N & B Auto Repair: Grant Motor Vehicle Repair Garage License, subject to conditions.

Licenses: Applications.

POLICE DEPARTMENT (268261)

Administrative Enforcement Fine Schedule for violations enforced by officers assigned to the Police Department License Investigation Division: Adopt Fine Schedule.

REGULATORY SERVICES (268262)

Sterilization Deposit Program: Ordinance amending Title 4, Chapter 62 of Code to establish a sterilization deposit program upon the redemption of any impounded dog or cat over six months of age.

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

FIRE DEPARTMENT (268263)

Donations to Fire Department: Accept donations from proceeds of 2003 KS95 Firefighters Calendar Project to fund purchase of Thermal Imaging Cameras; and Approve appropriation.

POLICE DEPARTMENT (268264)

2002 Local Law Enforcement Block Grant: Information on suggested categories for 2002 block grant funding and proposed initiatives.

COPS 2002 Technology Grant: Accept grant award of \$1,801,000 and execute two-year grant agreement with United States Department of Justice, Office of Community Oriented Policing Services, to fund redevelopment and enhancement of Police Department's timekeeping system; and Approve appropriation.

COPS More '02 Grant: Accept grant award of \$738,561 and execute grant agreement with United States Department of Justice, Office of Community Oriented Policing Services, to fund computer technology in police squads; and Approve appropriation.

Domestic Violence Grant: Accept grant award of \$550,384 and execute grant agreement with United States Department of Justice, Office of Justice Programs, to fund police investigator overtime for enhanced investigation of domestic violence incidents and increased advocacy for domestic violence victims; Execute contracts with Domestic Abuse Project and Family Violence Network/Harriet Tubman Center; and Approve appropriation.

**TRANSPORTATION AND PUBLIC WORKS:**

PLANNING DEPARTMENT (268265)

Transit First Plan for Downtown: Draft report.

PUBLIC WORKS AND ENGINEERING (268266)

Traffic Zones, Restrictions and Controls: Quarterly submittal indicating changes that have been administered by staff.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

PUBLIC WORKS AND ENGINEERING (268267)

Nicollet Mall Improvement, Maintenance and Operation Assessments Payable in 2003: Set assessment public hearing.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

PUBLIC WORKS AND ENGINEERING (268268)

Wetland Establishment - Maintenance and General Landscaping: OP #5950, accept low bid of Prairie Restoration, Inc. for an estimated expenditure of \$95,000.

**WAYS AND MEANS BUDGET:**

COMMUNITY CLINICS et al (268269)

2003 Budget: Written statements and comments submitted at public input hearing.

COORDINATOR (268270)

Convention Center Expansion Project: Change management actions.

FINANCE DEPARTMENT (268271)

2003 Budget: Presentation information for budget overview session.

PUBLIC LIBRARY (268272)

New Central Library Project: Design booklet submitted at study session.

**WAYS AND MEANS BUDGET (See Rep):**

ATTORNEY (268273)

WestLaw Services: Contract with West Group to continue access for the City Attorney and Civil Rights Department for three years.

Settlement of Third Precinct Lease: Authorize payment to 2700 East Lake Street LLC and attorney Steven Katz.

COORDINATOR (268274)

New Central Library Project: Accept use of Owner Controlled Insurance Program and execute contract with St. Paul Companies for insurance.

Contract with C. E. Coulter & Associates for surveyor services; Construction change order increasing contract with C. F. Haglin and Sons.

Health and Dental Insurance for Laid-Off Employees: Ordinance extending provision of benefits for laid off employees in the Job Bank.

Convention Events Funding: Accept donations for FinnFest 2002 and the International Association of Chiefs of Police Convention.

Convention Center Expansion Project Construction Change Order: Increase contract with Premier Restaurant Equipment.

HUMAN RESOURCES (268275)

Extraordinary Salary Step Offer: Authorize Step 7 salary to candidate for position of Human Resources Senior Consultant.

International Union of Operating Engineers, Local 49: Approve salary adjustments to setting permit rates.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (268276)

Pay Telephones: Contract with Qwest regarding revenue from phones on City right of way.

**ZONING AND PLANNING:**

PLANNING COMMISSION/DEPARTMENT (268277)

West Broadway Moratorium: Update on planning study.

**ZONING AND PLANNING (See Rep):**

PLANNING COMMISSION/DEPARTMENT (268278)

Corcoran Midtown Revival Master Plan.

Downtown East/North Loop Master Plan: Authorize preparation & execution of contract to allow for necessary services from IBI Group during review & approval period of plan.

PLANNING COMMISSION/DEPARTMENT (268279)

Thrivent Financial for Lutherans (formerly Lutheran Brotherhood) (601-5th St S): Request extension of existing interim permit for surface parking lot.

Rezoning:

Plymouth Christian Youth Center (2202, 2206 & 2210 Oliver Ave N);

Noel Casey, d/b/a Cardinal Bar (3804-06 - 30th Ave S, a/k/a 2915 E 38th St);

Catholic Eldercare (2919 Randolph St NE & 121 & 129 - 29th Ave NE);

American Indian Business Development Council (AIBDC), for Franklin Bakery (1004, 1008, 1014 & 1020 E Franklin Ave & 1921-10th Ave S).

Vacations:

AIBDC (see rezoning);

Plymouth Christian Youth Center (2202, 2206 & 2210 Oliver Ave N);

Mpls Community Development Agency (Heritage Park Project, vic of blocks bounded by Lyndale, 9th & Emerson Aves N & 7th St N);

Theodore Ewing, for Skyway Event Services (1809 E Hennepin Ave).

**MOTIONS (See Rep):**

CITY CLERK (268280)

2003 City Council Calendar: Approve.

**FILED:**

MINNESOTA STATE OFFICES-Auditor (268281)  
City of Minneapolis, Management & Compliance Report, yr ended December 31, 2001.  
YOUTH COODINATING BOARD (268282)  
Minneapolis Youth Coordinating Board, Annual Financial Report, yr ended December 31, 2001.  
CITY CLERK/SPECIAL PERMITS (268283)  
1st Av NE, 615 (Serigraphics Sign Systems) sign;  
38th St E, 3115 (Lawrence Sign) sign;  
42nd St E, 2820 (Mike Heraegen) sign;  
Emerson Av N, 3820 (Install This Awning & Sign Co) sign;  
Humboldt Av N, 527 (Topline Advertising Inc) sign;  
Irving Av N, 503 (Harrison Neighborhood) petting zoo;  
Loring Park (Julie Radner) hoofed animals;  
Lyndale Av S, 5835 (Christopher Sack) petting zoo;  
Weber Pkwy, 4203 (Helen Jelinek) sign.  
EXCEL ENERGY (268284)  
Utilities: Authorize placement of poles, pole extensions, and new feeder line at various locations.

**REPORTS OF  
STANDING COMMITTEES**

The **COMMUNITY DEVELOPMENT** and **INTERGOVERNMENTAL RELATIONS** Committees submitted the following report:

**Comm Dev & IGR** - Your Committee recommends approval of the official Minneapolis Grand Excursion 2004 Legacy Project, which is part of a regional event celebrating the Mississippi River connection between the Twin Cities and the Quad Cities, intended to mark the 150<sup>th</sup> anniversary of the Grand Excursion of 1854 (a significant event that contributed to the early settlement and growth of the Twin Cities area), and to establish permanent legacy projects in participating communities along the upper Mississippi River.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** and **TRANSPORTATION & PUBLIC WORKS** Committees submitted the following report:

**Comm Dev & T&PW** - Your Committee, having under consideration excess public right-of-way parcels that become available when properties are acquired but not used entirely for highway construction projects, now recommends approval to utilize the marketing and development expertise of the Minneapolis Community Development Agency (MCDA) in the disposition of said parcels.

Your Committee further recommends that the proper City officers be authorized to execute a Memorandum of Understanding (MOU) with the MCDA, identifying the MCDA's responsibility for surveying, appraisal, marketing, and agency fees, with the understanding that the Public Works Department will maintain ownership of the parcels during this process, and that Article I, Section 3, of the MOU (as more fully set forth in the staff report dated September 19, 2002) will be amended to read as follows:

"The Excess Property List shall also be delivered to the City Planning Commission and the Heritage Preservation Commission for review and comment regarding the potential uses of the properties."

Adopted. Yeas, 12; Nays none.

Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** Committee submitted the following report:

**H&HS** - Your Committee recommends that the proper City officers be authorized to enter into a health education consulting services contract with Cindy Kallstrom to support work in school health, maternal and child health, emergency preparedness, and in communications with community agencies and the public, for the period of October 1, 2002 through December 31, 2003 in the amount of \$70,000 payable from Fund/Org 0100-860-8615 and grant sources as available and contingent upon approval of the 2003 budget.

Adopted. Yeas, 12; Nays none.  
Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** and **INTERGOVERNMENTAL RELATIONS** Committees submitted the following reports:

**H&HS & IGR** - Your Committee recommends passage of the accompanying resolution establishing the "Minneapolis/Hennepin County Childhood Lead Poisoning Prevention Work Group."

Zerby moved to amend the report by authorizing summary publication of the resolution. Seconded.

Adopted upon a voice vote.  
The report, as amended, was adopted.  
Yeas, 12; Nays none.  
Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

Resolution 2002R-345 establishing the "Minneapolis/Hennepin County Childhood Lead Poisoning Prevention Work Group", was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-345**  
**By Zerby**

**Establishing the "Minneapolis/Hennepin County Childhood Lead Poisoning Prevention Work Group."**

Whereas, childhood lead poisoning affects 5-10% of Minneapolis and Hennepin County children, jeopardizing their health, school performance, and ultimately their ability to be full and productive citizens; and

Whereas, the Centers for Disease Control and Prevention declared childhood lead poisoning a key children's environmental health issue; and

Whereas the Centers for Disease Control and Prevention declares the disease to be entirely preventable; and

Whereas, childhood lead poisoning prevention has been identified as a priority for Hennepin County and the City of Minneapolis; and

Whereas, among the strategies available to address this objective is to prevent, identify and respond to childhood lead poisoning; and

Whereas, childhood lead poisoning occurs throughout Hennepin County with the majority of identified cases occurring in Minneapolis; and

Whereas, the largest number of at risk housing units in Hennepin County are located in the City of Minneapolis; and

Whereas, several city and county departments play a role in addressing safe and healthy housing, and children's environmental health; and

Whereas, current city and county staff efforts to work cooperatively to prevent and respond to childhood lead poisoning cases will be enhanced through establishment of a formalized structure and creation of a specific charge from policy makers to guide their work;

Now, Therefore, Be It Resolved by The City Council of the City of Minneapolis:

That the "Minneapolis/Hennepin County Childhood Lead Poisoning Prevention Work Group" be established.

Be It Further Resolved that the membership of the collaborative staff team consist of the Commissioner of Health, the Director of Hennepin County Community Health Department, Director of Regulatory Services, Executive Director of the Minneapolis Community Development Agency (MCDA), the Director of Inspections for the City of Minneapolis, the Director of the Neighborhood Revitalization Program (NRP) and the Director of Hennepin County Housing and/or their designees.

Be It Further Resolved that the staff team be charged with meeting on a regular basis to establish and monitor plans for lead safe housing within the control of the City of Minneapolis (including the MCDA) and Hennepin County.

Be It Further Resolved that the staff team report on a regular basis to the City Council and Mayor of Minneapolis and the Board of Commissioners of Hennepin County.

Be It Further Resolved that the staff team also pursue the following tasks:

1. Maintain an accurate inventory of all lead safe units in the City of Minneapolis and Hennepin County.
2. Identify potential barriers to creating lead safe housing (e.g. local capacity, codes).
3. Devise strategies to share data and target resources for prevention, education relocation, remediation, and case management.
4. Work to further efforts by aligning city and county systems.
5. Identify key public, private and community partners.
6. Build local community capacity to prevent and respond to exposure to lead.
7. Align federal and state legislative efforts.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**H&HS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept \$50,000 from the federal Department of Health & Human Services, Office of Minority Health, for the Health Education Plus services of a health educator to provide culturally specific curricula and training to facilitate group education activities at community based agencies affiliated with the Twin Cities Healthy Start project, for the period of September 30, 2002 through September 29, 2003.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the Neighborhood Services Agency by \$50,000 to reflect the receipt of said funds.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-346**  
**By Johnson Lee and Johnson**

**Amending The 2002 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Neighborhood Services Agency in the Grants - Federal Fund (0300-860-8624) by \$50,000 and increasing the revenue source (0300-860-8624 - Source 3210) by \$50,000.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to enter into a contract with PACER Center, Inc. (Parent Advocacy Coalition for Educational Rights Center) to accept up to \$12,500 during the period of November 1, 2002 to September 30, 2003 to provide training to Minneapolis Employment and Training Program (METP) Youth Vendors for service to disabled Minneapolis youth.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to enter into a contract with Minneapolis Special School District #1 to accept up to \$35,100 to support C.L.A.S.S., the Summer Youth Employment and Training Program educational component to support youth participants in need of passing the basic skills test.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the Neighborhood Services Agency by \$35,000 to reflect the receipt of said funds.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-347**  
**By Johnson Lee and Johnson**

**Amending The 2002 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:



That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Neighborhood Services Agency in the Grants - Other Fund (0600-860-8600) by \$35,000 and increasing the revenue source (0600-860-8600 - Source 3215) by \$35,000.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept \$2,240,658 in federal and state Family Home Visiting Funds from the Minnesota Department of Health to provide home visiting and other supportive services for eligible families primarily through contracts with Hennepin County and community partners, for the period of July 1, 2002 through June 30, 2003.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the Neighborhood Services Agency by \$2,106,219 and \$134,439 to reflect the receipt of said funds.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-348**  
**By Johnson Lee and Johnson**

**Amending The 2002 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation and revenue source for the Neighborhood Services Agency in the Grants - Federal Fund (0300-860-8621) by \$2,106,219 (revenue source 3210) and by \$134,439 (revenue source 3215).

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Republished November 19, 2002)

**H&HS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to submit a grant application to the State of Minnesota Department of Health for \$25,000 in funds to provide for temporary lead-safe housing for families displaced by lead hazard reduction.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to submit a grant application to Hennepin County for \$8,000 in Environmental Response Funds for cleanup of lead contamination at 3733 2nd Avenue South.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to submit a grant application to Hennepin County for \$15,000 in Environmental Response Funds for cleanup of lead contamination at 2104 Glenwood Avenue North.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** - Your Committee, having under consideration the Heritage Park Project and having been informed that the Civil Rights Department is providing compliance services to the project and should be compensated for their staff time, now recommends that the proper City officers be authorized to enter into Modification No. 1 to the service contract between the City and the Minneapolis Community Development Agency (MCDA) increasing said contract from a not to exceed amount of \$152,000 to \$180,000 and to add the Heritage Park Project and compensation not to exceed \$50,400, effective January 1, 2002.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the Civil Rights Department by \$50,400 to reflect said compensation.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-349**  
**By Johnson Lee and Johnson**

**Amending The 2002 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Civil Rights Agency in the General Fund (0100-300-3000) by \$50,400 and increasing the revenue source (0100-300-3000 - Source 3455) by \$50,400.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept funds in the amount of \$8,000 received from the Minneapolis Foundation to support the Minneapolis Department of Civil Right's Community Summits.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the Civil Rights Department by \$8,000 to reflect the receipt of said funds.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-350**  
**By Johnson Lee and Johnson**

**Amending The 2002 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Civil Rights Agency in the Grants-Other Fund (0600-300-3010) by \$8,000 and increasing the revenue source (0600-300-3010 - Source 3755) by \$8,000.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** - Your Committee recommends approval of the request of the Department of Health and Family Support to start new employee Vicenta Valero at Step 6 rate of pay for the position of Bilingual Program Aide in the Multicultural Services Division, based on unique skills and experience.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** - Your Committee, having under consideration the application of Noodle Shop Company - Minnesota Inc, dba Noodles & Company, 233 Cedar Av, for a Sidewalk Cafe License (new business) to expire April 1, 2003, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays none.

Declining to Vote - Benson.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the application of Mell's Beauty Bar Inc, dba Mell's Beauty Bar, 606 Washington Av N, for an On-Sale Liquor Class C-2 with Sunday Sales License (new business) to expire July 1, 2003, a Sidewalk Cafe License (new business) to expire April 1, 2003, and an All Night Special Food License (new business) to expire April 1, 2003, and having held a public hearing thereon, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays none.

Declining to Vote - Benson.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the application of D & J Carlson Inc, dba Casalendas, 3748 23rd Av S, for an On-Sale Wine Class E with Strong Beer License (change in ownership from Far-Cas Inc) to expire April 1, 2003, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays none.

Declining to Vote - Benson.

Absent - Lane.

Passed October 11, 2002.

Approved October 11, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 15, 2002)

**PS&RS** - Your Committee, having under consideration the application of N & B Auto Repair Inc, dba N & B Auto Repair, 2838 Stevens Av, for a Motor Vehicle Repair Garage License (new business) to expire September 1, 2002, now recommends that said license be granted, subject to the following conditions:

- a. all used auto parts containing fluids shall be in secondary containment;
- b. all oils must be in secondary containment;
- c. floordry or a similar material must be immediately applied to all oil spillage that occurs on the floor;
- d. no auto painting or painting of any type will be conducted at the site;
- e. registration with Hennepin County for hazardous waste is required;
- f. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends granting the following applications for liquor, wine and beer licenses:

**Off-Sale Liquor, to expire July 1, 2003**

Simply Elegant Inc, dba Bottle House of Minneapolis, 150 2nd Av S;

Minnesota Vikings Ventures Inc, dba Minnesota Vikings Ventures Inc, 500 11th Av S;

**Off-Sale Liquor, to expire October 1, 2003**

Zipp's Liquors Inc, dba Zipp's Liquor, 2618 E Franklin Av;

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2003**

RCI Entertainment (Minnesota) Inc, dba Rick's Cabaret, 300 S 3rd St (new manager);

South Beach LLC, dba South Beach, 325 1st Av N (new manager);

Old Chicago of Colorado Inc, dba Old Chicago, 508 1st Av N (new manager);

**On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2003**

80 So 8th St Hotel Operations Inc, dba Vista Marquette Hotel, 701 Nicollet Mall (new manager);

**On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2003**

Guthrie Theater Foundation, dba Guthrie Theater Foundation, 725 Vineland Pl (new corporate officer);

**On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2002**

Promus Hotels Mpls Inc, dba Embassy Suites Hotel, 425 S 7th St (new corporate officer);

**On-Sale Liquor Class A with Sunday Sales, to expire October 8, 2002**

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, October 8, 2002, 6:30 p.m. to 10:00 p.m., NARI);

**On-Sale Liquor Class A with Sunday Sales, to expire October 10, 2002**

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, October 10, 2002, 6:00 p.m. to 10:00 p.m., Goodrich Sensor Systems);

**On-Sale Liquor Class A, to expire October 1, 2003**

Wild Entertainment Ltd, dba Ground Zero, 15 4th St NE;

**On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2002**

Medich Enterprises Inc, dba Library Bar & Grill, 1301 4th St SE (temporary expansion of premises with entertainment, October 11 & 12, 2002, 6:00 p.m. to 1:00 a.m. in parking lot);

**On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2003**

Pier Group LLC, dba Chiang Mai Thai Restaurant, 3001 Hennepin Av;

**On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2003**

Jacob Morris Properties Inc, dba Cafe Havana, 119 Washington Av N;

**On-Sale Liquor Class D with Sunday Sales, to expire July 1, 2003**

U Otter Stop Inn Inc, dba U Otter Stop Inn, 617 Central Av NE (new shareholder/partner; new corporate officer; new manager);

**On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2003**

OSF International Inc, dba Old Spaghetti Factory, 233 Park Av (internal transfer of shares);

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2003**

Buca Restaurants 2 Inc, dba Buca Di Beppo, 11 S 12th St (change in manager);

Campiello Inc, dba Campiello, 1320 W Lake St (new manager/new corporate officer);

FCA Restaurant Holdings LLC, dba Lifetime Athletic Club & Martini Blu, 615 2nd Av S;

**On-Sale Liquor Class E with Sunday Sales, to expire July 21, 2001**

Haze 2 Corp, dba Grumpy's, 2200 4th St NE (temporary expansion of premises with outdoor entertainment, July 21, 2001, Noon to 9:00 p.m.);

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2002**

Uptown Brewing Company LLC, dba Herkimer Pub & Brewery, 2922 Lyndale Av S;

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2003**

Graves Hospitality Corp, dba Downtown Residence Inn, 45 S 8th St;

Haracz Inc, dba Jimmy's Bar & Lounge, 1828 4th St NE;

Chez Inc, dba Tracy's Saloon, 2205 E Franklin Av;

Stasiu's Inc, dba Stasiu's, 2500 University Av NE;

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2003**

D'Amico & Sons Inc, dba D'Amico & Sons, 555 Nicollet Mall (new manager);

Harrison, S & J; N Phonthavongxay, dba Sawatdee on the Mall, 1005 Nicollet Mall;

**On-Sale Beer Class E, to expire April 1, 2003**

Minh Le Corp, dba Bona Restaurant, 802 Washington Av SE;

Official All Star Cafe Inc, dba Senior G's, 1831 E Lake St.

Adopted. Yeas, 10; Nays none.

Declining to Vote - Benson, Biernat.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends granting the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of October 11, 2002, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 268260):

Place of Amusement Class B-1; Place of Amusement Class B-2; Building Contractor Class B; Car Wash; Cement Finishing Contractor; Concrete Masonry Contractor Class B; Check Cashing; Dry Cleaning & Laundry Pickup Station; Caterers; Confectionery; Grocery; Ice Producer - Dealer/Wholesale; Food Manufacturer; Restaurant; Short Term Food Permit; Sidewalk Cafe; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class B; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Towing Class C; Towing Class D; Motor Vehicle Used Parts Dealer; Pet Shop; Residential Specialty Contractor; Secondhand Goods Class B; Antique Dealer Class B; Antique Mall Operator Class B; Solid Waste Hauler; Suntanning

Facility; Swimming Pool - Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Theater Zone I; Theater Zone III; Tobacco Dealer; Combined Trades; Tree Servicing.

Adopted. Yeas, 11; Nays none.

Declining to Vote - Benson.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

**Gambling Lawful Exempt**

Our Lady of Victory Catholic Church, dba Our Lady of Victory Catholic Church, 5155 Emerson Av N (Raffle & pulltabs October 13, 2002);

Mobility for Independence, dba Mobility for Independence, 2020 1st Av S (Raffle November 15, 2002);

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Bingo, raffle & pulltabs November 17, 2002 at Kolbe Hall, 1630 4th St NE);

Muscular Dystrophy Association, dba Muscular Dystrophy Association, 4530 W 77th St, Suite 164, Edina (Raffle October 31, 2002 at Farenheit Night Club, 322 1st Av N);

Graco Foundation, dba Graco Foundation, 88 11th Av NE (Raffle October 17, 2002 at George Artistides Riverside Center, 1150 Sibley St NE);

Church of St. Boniface, dba Church of St. Boniface, 629 2nd St NE (Raffle & paddlewheel November 26, 2002).

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 268 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Lawful Gambling*, adding procedural and operational requirements for lawful gambling in on-sale establishments consistent with State Rules and Regulations governing the conduct of lawful gambling, now recommends that said ordinance be given its second reading for amendment and passage with summary publication.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-151 amending Title 13, Chapter 268 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Lawful Gambling*, amending Sections 268.40 and 268.80 to add procedural and operational requirements for lawful gambling in on-sale establishments consistent with State Rules and Regulations governing the conduct of lawful gambling, was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-151**

**By Biernat, Niziolek, Zerby, Ostrow and Colvin Roy**

**Intro & 1st Reading: 9/13/2002**

**Ref to: PS&RS**

**2nd Reading: 10/11/2002**

**Amending Title 13, Chapter 268 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Lawful Gambling.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 268.40 (b) (1) of the above-entitled ordinance be amended to read as follows:

**268.40. Conditions.** The conduct of lawful gambling under license issued by the Minnesota Gambling Control Board shall be subject to the following conditions in the City of Minneapolis:

(b) No organization shall be eligible for a gambling license unless for the three (3) years immediately preceding the date of application:

- (1) It has had an office located in the City of Minneapolis or on property adjoining land owned by the Minneapolis Park and Recreation Board ~~which~~ that is contiguous to the City of Minneapolis. An office ~~is~~ defined as the principal location for the conduct of the organization's business. This may be substantiated through proof of activities such as the payment of a mortgage or rent, payment of utilities, the conduct of organization meetings, maintenance of organization records, and receipt of the organization's mail.

Section 2. That Section 268.80 of the above-entitled ordinance be amended by adding subparagraphs (t) through (tt) to read as follows:

**268.80. Lawful gambling at on-sale establishments.** Lawful gambling at on-sale liquor, wine, and 3.2 beer establishments shall be conducted in compliance with the following regulations:

- (t) Any compensated gambling employee must display their ID badge when working.
- (u) Prize receipts must be completely and accurately filled out.
- (v) Each pull-tab ticket redeemed must be defaced.
- (w) Separate prize receipts must be completed for each winning ticket of fifty dollars (\$50.00) or more, and for each last sale prize of twenty dollars (\$20.00) or more.
- (x) Cash banks must be separated for each deal of pull-tabs in play unless the organization is using a cash register which meets standards outlined in the Gambling Control Board rules.
- (y) Gambling employees or volunteers cannot purchase pull-tabs at the premises at which they work.
- (z) The lessor or lessor's immediate family cannot purchase pull-tabs at the premises.
- (aa) The gambling manager must maintain an up-to-date gambling manager's license.
- (bb) House rules must be adequately lighted, legible, and at least eighteen (18) inches by twenty-four (24) inches in size.
- (cc) Compulsive gambling hot line number must be posted.
- (dd) A statement that illegal gambling is prohibited must be posted.
- (ee) A sketch of the leased area must be available for review at premises.
- (ff) Persons or organizations are not to conduct any activity in leased area other than the sale or serving of food and beverages during the times when lawful gambling is being conducted.
- (gg) A clear and physical separation or tangible divider between the organization's equipment or the lessor's business equipment must be established.
- (hh) Copies of distributor invoices for all games kept at the premises must be available for review.
- (ii) A current inventory list of games must be kept at the premises for review.
- (jj) Organization must deposit all receipts within four (4) business days of the date the game was closed.

- (kk) An accurate meter reading must be displayed on dispensing device.  
(ll) Persons under the age of eighteen (18) are not allowed to participate in playing of pull-tabs.  
(mm) The serial number on the flare must match the serial number printed on the tickets and the sales receptacle.  
(nn) The flare must display the Minnesota symbol imprinted on it and have an affixed bar code.  
(oo) All last sale prizes offered or posted must be purchased that way from the distributor and only the distributor can add a "last sale prize" sticker to a flare.  
(pp) No credit shall be extended for the sales of pull-tabs, including game buyouts. Checks or credit cards are not accepted for the purchase of pull-tabs, tipboards and paddlewheels.  
(qq) Employees of the police license division may inspect, at any reasonable time without notice or search warrant, all records of a licensed organization including gambling accounts and other bank and financial records of the general organization.  
(rr) All fines arising out of violations of this chapter must not be paid from the organization's general fund.  
(ss) The State Register stamp must be displayed on all dispensing devices.  
(tt) Organization must maintain a current lease for any dispensing device on premise.  
Adopted. Yeas, 12; Nays none.  
Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, updating requirements for certain signs to be posted at on-sale and off-sale liquor and beer establishments and identifying the source of such signs, now recommends that said ordinance be given its second reading for amendment and passage with summary publication.

Adopted. Yeas, 12; Nays none.  
Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-152 amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, amending Section 360.110 to update requirements for certain signs to be posted at on-sale and off-sale liquor and beer establishments and identifying the source of such signs, was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-152**  
**By Biernat, Niziolek, Ostrow and Colvin Roy**

**Intro & 1st Reading: 9/13/2002**  
**Ref to: PS&RS**  
**2nd Reading: 10/11/2002**

**Amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to Liquor and Beer: In General.**

The City Council of The City of Minneapolis do ordain as follows:



Section 1. That Section 360.110 of the above-entitled ordinance be amended to read as follows:

**360.110. Posting of signs to warn pregnant women of the effects of alcohol consumption.**

(a) **Sign required.** All licensees who sell liquor or beer shall post in a conspicuous place upon the premises and positioned so as to be seen by the highest number of patrons a sign stating they are prohibited by law to sell or serve alcohol beverages to anyone under twenty-one (21) years of age or anyone who is obviously intoxicated; the maximum criminal penalties for driving a vehicle or committing vehicular homicide while under the influence of alcohol; and warning of the dangers of alcohol consumption during pregnancy. This sign ~~shall~~ may be a sign provided by the Minneapolis Department of Health Minnesota Department of Public Safety, Alcohol and Gambling Enforcement. ~~All licensees who sell liquor or beer shall also post a sign warning of the dangers of alcohol consumption during pregnancy in each restroom on the premises. They shall be posted in a conspicuous place within the restroom so as to be seen by the highest possible number of patrons. These signs shall be signs provided by the Minneapolis Department of Health.~~

(b) ~~The Minneapolis Health Department will produce warning signs to meet the requirements of this ordinance. The sign to be placed in the business premises shall measure approximately seven (7) inches by four (4) inches. The sign to be placed in the restrooms shall measure approximately four (4) inches by three (3) inches and be suitable for placement on a mirror. The seven-inch by four-inch sign shall read "Warning, drinking alcohol while pregnant may cause your baby permanent brain damage and other birth defects" and contain a picture symbol reasonably designed to communicate this message. The four-inch by three-inch restroom sign shall read as the seven-inch by four-inch sign and contain a picture symbol reasonably designed to communicate this message. The Department of Health shall also make signs available upon request in languages other than English for which there is sufficient demand and which contain the equivalent message.~~

(c) ~~This ordinance shall take effect on January 1, 1993.~~

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 364 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Regulations*, deleting outdated language regarding sales to incompetents and drunkards, adding language regarding the prohibition of sales to obviously intoxicated persons consistent with State Statutes, and deleting blood alcohol chart signs at off-sale establishments, now recommends that said ordinance be given its second reading for amendment and passage with summary publication.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-153 amending Title 14, Chapter 364 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Regulations*, amending Sections 364.30 and 364.120 to delete outdated language regarding sales to incompetents and drunkards, to add language regarding the prohibition of sales to obviously intoxicated persons consistent with State Statutes, and to delete blood alcohol chart signs at off-sale establishments, was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-153**  
**By Biernat, Niziolek, Ostrow and Colvin Roy**

**Intro & 1st Reading: 9/13/2002**

**Ref to: PS&RS**

**2nd Reading: 10/11/2002**

**Amending Title 14, Chapter 364 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Regulations.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 364.30 of the above-entitled ordinance be and is hereby repealed.

**364.30. Sales to incompetents or drunkards.** ~~No licensee, his or her agent or employee, shall knowingly sell, serve or dispense any liquor to any habitual drunkard or person under guardianship, nor after written notice by a parent, husband, wife, child, guardian, master or employer of such habitual drunkard or person under guardianship, nor to any habitual drunkard after written notice by the mayor or the chief of police of the municipality in which such habitual drunkard resides, within one year after such notice in case of an habitual drunkard, and in other cases during the continuance of the guardianship of such persons.~~

Section 2. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 364.30 to read as follows:

**364.30. Sales to obviously intoxicated persons.** No person may sell, give, furnish, or in any way procure for another alcoholic beverages for the use of an obviously intoxicated person.

Section 3. That Section 364.120 of the above-entitled ordinance be and is hereby repealed.

**364.120. Blood alcohol chart required.** ~~(a) All "off sale" liquor establishments shall post, in a conspicuous place, a sign, measuring not less than one foot by two (2) feet, which contains a chart illustrating the estimated amount of eighty (80) proof alcohol needed to reach approximate given levels of alcohol in the blood and in addition shall contain the following:~~

~~It is unlawful to drive a motor vehicle while under the influence of an alcoholic beverage or when your blood alcohol content contains 0.10 percent or more by weight of alcohol. Conviction may result in a fine of up to seven hundred dollars (\$700.00) or imprisonment of up to ninety (90) days, or both.~~

~~(b) The department of licenses and consumer services shall design such sign and, after approval by the city council, shall make it available to all licensed "off sale" liquor establishments.~~

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution approving the adoption of an Administrative Enforcement Fine Schedule for violations enforced by Officers assigned to the Police Department License Investigation Division.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-351**  
**By Biernat and Colvin Roy**

**Approving the adoption of an Administrative Enforcement Fine Schedule for violations enforced by Officers assigned to the Police Department License Investigation Division.**

Whereas, the Minneapolis City Council has adopted an Amendment to Title 1 of the Minneapolis Code of Ordinances by adding therein a Chapter 2 relating to an Administrative Enforcement and Hearing Process; and

Whereas, Section 2.60 of the Minneapolis Code of Ordinances provides for the imposition of a civil fine for violations of certain Articles of the Minneapolis Code of Ordinances; and

Whereas, Section 2.70 of the Minneapolis Code of Ordinances provides that the City Council shall adopt by Resolution a schedule of fines for administrative offenses; and

Whereas, the License Investigation Division of the Police Department has submitted a proposed civil fine schedule for consideration by the City Council;

Now, Therefore, Be It Resolved by the City Council of the City of Minneapolis:

That the proposed civil fine schedule presented for consideration by the License Investigation Division of the Police Department be adopted, as set forth in Petn No 268261 on file in the Office of the City Clerk.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 4, Chapter 62 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: In General*, establishing a sterilization deposit program upon the redemption of any lawfully impounded dog or cat over six months of age recovered from the City's Animal Care and Control Center, now recommends that said ordinance be given its second reading for amendment and passage with summary publication.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-154 amending Title 4, Chapter 62 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: In General*, amending Section 62.40 to establish a sterilization deposit program upon the redemption of any lawfully impounded dog or cat over six months of age recovered from the City's Animal Care and Control Center, was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-154**  
**By Biernat**

**Intro & 1st Reading: 9/27/2002**

**Ref to: PS&RS**

**2nd Reading: 10/11/2002**

**Amending Title 4, Chapter 62 of the Minneapolis Code of Ordinances relating to Animals and Fowl: In General.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 62.40 of the above-entitled ordinance be amended to read as follows:

**62.40. Release from shelter.** (a) All animals conveyed to the shelter shall be kept with kind treatment and sufficient food and water for their comfort, at least five (5) days, unless sooner reclaimed by their owner as herein provided. Any animal who has not bitten or been bitten and is thereby subject to the provisions of Chapter 66 may be released upon payment of a thirty dollar (\$30.00) impoundment fee, for the first impoundment within a twelve (12) month calendar year, and upon furnishing of proof of a license or purchasing a license and upon showing a certificate of vaccination as required by sections 66.10 and 66.20 or agreeing in writing to obtain such a certificate of vaccination within seven (7) days of release. The second impoundment fee within a twelve (12) month calendar year shall be forty dollars (\$40.00). The third impoundment fee within a twelve (12) month calendar year shall be fifty dollars (\$50.00). If a license is purchased, an additional ten dollar (\$10.00) penalty fee will be charged unless such purchase constitutes a renewal within the time allowed in section 64.30.

(b) In addition to subsection (a), the owner of any animal which is lawfully impounded shall pay all fees and expenses related to such impoundment whether or not the animal is claimed. These fees include, but are not limited to, vaccination, examination, any medical treatment fees for the animal, and board costs of ten dollars (\$10.00) per calendar day.

(c) Upon redemption of any lawfully impounded dog or cat over six (6) months of age found at large and not previously sterilized, the owner shall deposit with the animal control shelter a sterilization deposit fee. The fee shall be set by the director of licenses and consumer services and shall be in addition to any other redemption fees set forth in subsections (a) and (b). Such sterilization deposit shall be fully refundable upon proof that the animal has been sterilized by a licensed veterinarian within forty-five (45) days of the redemption date. Such sterilization deposit shall also be refundable if the owner submits, within forty-five (45) days, a written certification from a licensed veterinarian stating that, due to health considerations, the animal should not be sterilized. The deposit required by this section shall be forfeited to the City if such proof of sterilization or written certification has not been presented to animal control within the specified period.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**PS&RS & W&M/Budget** - Your Committee, to whom was referred back on September 27, 2002 a report relating to the 2002 United States Department of Justice, Bureau of Justice Assistance, Local Law Enforcement Block Grant, and having held the required public hearing thereon to receive comments on the proposed categories for funding in accordance with the federal guidelines, now recommends that the proper City Officers be directed to convey to the federal government the required details relating to said public hearing, including the date and number of residents in attendance.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers of the Fire Department be authorized to accept donations from the proceeds of the 2003 KS95 Firefighters Calendar Project, anticipated to be approximately \$60,000 to \$70,000. Funds raised shall be applied toward the purchase of Thermal Imaging Cameras.

Your Committee further recommends passage of the accompanying Resolution appropriating \$70,000 to the Fire Department to reflect receipt of said funds.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-352**

**By Biernat and Johnson**

**Amending The 2002 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (060-280-2820) by \$70,000 and increasing the Revenue Source (060-280-2820 - Source 3720) by \$70,000.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a COPS Technology Grant award of \$1,801,000 and execute a grant agreement with the United States Department of Justice, Office of Community Oriented Policing Services to fund the redevelopment and enhancement of the Police Department's Timekeeping System and to adapt the timekeeping product to share the system with the Hennepin County Sheriff and other law enforcement agencies.

Your Committee further recommends passage of the accompanying Resolution appropriating \$1,801,000 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-353**

**By Biernat and Johnson**

**Amending The 2002 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-B103) by \$1,801,000 and increasing the Revenue Source (030-400-B103 - Source 3210) by \$1,801,000.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a COPS More '02 Grant award of \$738,561 and execute a grant agreement with the United States Department of Justice, Office of Community Oriented Policing Services, to fund computer technology in police squads.

Your Committee further recommends passage of the accompanying Resolution appropriating \$738,561 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-354**

**By Biernat and Johnson**

**Amending The 2002 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-4182) by \$738,561 and increasing the Revenue Source (030-400-4182 - Source 3210) by \$738,561.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$550,384 and execute a two-year grant agreement with the United States Department of Justice, Office of Justice Programs, under the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program to fund police investigator overtime for enhanced investigation of domestic violence incidents and increased advocacy for domestic violence victims, and that the appropriate contracts be executed with the Domestic Abuse Project and Family Violence Network/Harriet Tubman Center, as detailed in the grant award program.

Your Committee further recommends passage of the accompanying Resolution appropriating \$550,384 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-355**

**By Biernat and Johnson**

**Amending The 2002 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C105) by \$550,384 and increasing the Revenue Source (030-400-C105 - Source 3210) by \$550,384.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following report:

**T&PW** - Your Committee having under consideration the Nicollet Mall improvement, maintenance and operation assessments payable in the year 2003, now directs the proper City officers to give notice of a public hearing to be held by the Transportation and Public Works Committee on October 31, 2002, in accordance with Minnesota Statutes, Section 459.14 and Minnesota Statutes, Chapter 429, to consider the payable 2003 assessments.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid received on OP #5950 (Petr No 268268), submitted by Prairie Restoration, Inc., for an estimated expenditure of \$95,500, to furnish all labor, materials, equipment and incidentals necessary to accomplish wetland establishment.

Your Committee further recommends that the proper City officers be authorized to execute a contract for said service, all in accordance with the City specifications, contingent on approval of the Civil Rights Department.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**W&M/Budget** - Your Committee recommends that the Director of Human Resources be authorized to extend an offer of employment at a salary up to Step 7 for the position of Human Resources Senior Consultant in the Employee Services Division, based on the candidate's qualifications and experience.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration the results of a feasibility study conducted by insurance broker Marsh Inc. for insurance services for the New Central Library Project, now recommends:

a) Concurrence with the recommendation of the New Central Library Implementation Committee that the City accept an Owner Controlled Insurance Program (OCIP) for the project; and

b) That the proper City officers be authorized to execute a contract with the St. Paul Companies to provide said OCIP services, payable from the project budget (4400-908-9080).

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 11, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 15, 2002)

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the New Central Library Implementation Committee that the proper City officers be authorized to execute a contract with C.E. Coulter & Associates, Inc. for surveyor services during the construction of the New Central Library, in an amount not to exceed \$400,000, payable from the project budget (4400-908-9080).

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 11, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 15, 2002)

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute change orders to the following contracts for work required on the New Central Library Project:

a) Change Order #1 to Contract #017994 with C. F. Haglin & Sons, Inc., increasing said contract by \$12,902, for a new contract total of \$879,902;

b) Change Order #2 to Contract #017994 with C. F. Haglin & Sons, Inc., increasing said contract by \$108,214, for a new contract total of \$988,116.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 11, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 15, 2002)

**W&M/Budget** - Your Committee, having under consideration funds donated to support certain events at the Minneapolis Convention Center, now recommends:

a) Acceptance of donated funds from corporations and foundations totaling \$507,419 received by the Convention Events Fund, to be used to provide payment to the Greater Minneapolis Convention and Visitors Association (GMCVA) for expenses incurred for the following qualifying events:

- FinnFest 2002;

- International Association of Chiefs of Police;

b) Passage of the accompanying resolution increasing the appropriation for the GMCVA to reflect the receipt of said funds.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 2002R-356**

**By Johnson**

#### **Amending The General Appropriation Resolution of 2002.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Convention and Visitors Association Agency in the Minneapolis Convention Related Fund (0760-864-8642) by \$507,419 and increasing the Greater Minneapolis Convention and Visitors Association revenue estimate in the Convention Related Fund (0760-864-8642 - Source 3720) by \$507,419.

Adopted. Yeas, 12; Nays none.



Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a five-year contract with Qwest Corporation for payment of revenue generated by usage of pay telephones owned or operated in the City right-of-way.

Adopted. Yeas, 12; Nays none.  
Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, to whom was referred an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, extending the current benefit of providing health and dental insurance coverage for laid off employees who are participating in the Job Bank, and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment, passage and summary publication.

Adopted. Yeas, 12; Nays none.  
Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-155 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, amending Section 20.470 extending the current benefit of providing health and dental insurance coverage for laid off employees who are participating in the Job Bank, was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-155**  
**By Johnson**

**Intro & 1st Reading: 8/23/2002**  
**Ref to: W&M/Budget**  
**2nd Reading: 10/11/2002**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 20.470 of the above-entitled ordinance be amended to read as follows:

**20.470. Health/dental insurance continuation for laid off employees.** Any benefits eligible employee of the city under council jurisdiction and participating in job bank who is laid off from the city during the period January, 1996, to January, ~~2002~~2004, inclusive, shall have their health/dental insurance continue as follows:

(1) The level of coverage, single or family, shall continue at the level of coverage in effect for the laid off employee as of the date of layoff.

(2) The health/dental plan that shall be continued shall be the plan in effect for the employee as of the date of layoff.

(3) The city shall pay one hundred (100) percent of the premiums for the first six (6) months of COBRA continuance at the level of coverage and plan selected by the employee and in effect on the date of the layoff.

(4) This section for laid off employees shall be in force until January ~~2002~~ 2004.

(5) The return to work section shall be enforced until January, ~~2002~~ 2004 at which time it will be evaluated for continuation.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, to whom was referred an ordinance amending Title 5, Chapter 109 of the Minneapolis Code of Ordinances relating to *Building Code: Signs and Billboards*, establishing a policy prohibiting the City from providing financial contributions, directly or as a fiscal agent for another agent, for billboard advertising, and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment, passage and summary publication.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-156 amending Title 5, Chapter 109 of the Minneapolis Code of Ordinances relating to *Building Code: Signs and Billboards*, adding a new Section 20.470 that establishes a policy prohibiting the City from providing financial contributions for billboard advertising, was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-156**

**By Schiff**

**Intro & 1st Reading: 6/21/2002**

**Ref to: W&M/Budget**

**2nd Reading: 10/11/2002**

**Amending Title 5, Chapter 109 of the Minneapolis Code of Ordinances relating to Building Code: Signs and Billboards.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 109.470 to read as follows:

**109.470. City financing of billboard advertising prohibited.** (a) *Prohibition.* The city, any city employee working within the scope of the employee's employment, and any agency or individual acting on behalf of the city shall not pay for or in any way financially support billboard advertising, taking place within the city limits of the City of Minneapolis.

All city contracts shall contain a provision prohibiting the use of city or city derived funds to pay for billboard advertising as a part of a city project or undertaking.

(b) *Exemption - In kind donations.* Billboard space donated to the City of Minneapolis shall be exempt from this ordinance. Production costs associated with in-kind donations shall not be prohibited.

Adopted. Yeas, 12; Nays none.

Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract with West Group to continue access for the City Attorney and Civil Rights Department to the WestLaw legal system for the period of three years in an amount not to exceed \$8,409 in year one, \$9,082 in year two and \$9,586 in year three.

Adopted. Yeas, 12; Nays none.  
Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the City Attorney to settle the dispute between the City and 2700 East Lake Street LLC regarding lease of property for the Third Police Precinct by payment of \$50,000 to 2700 East Lake Street LLC and their attorney Steven R. Katz, payable from the General Fund (0100-400-P300). Further, that the proper City officers be authorized to execute any documents necessary to effectuate said settlement.

Adopted. Yeas, 12; Nays none.  
Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends passage and summary publication of the accompanying Salary Ordinance providing for adjustments to permit salary rates for the International Union of Operating Engineers, Local #49, for years 2002 and 2003. The rates are based on those established by said labor union.

Adopted. Yeas, 12; Nays none.  
Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-157 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, providing for adjustments to permit salary rates for the International Union of Operating Engineers, Local #49, for years 2002 and 2003, was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-157**  
**By Johnson**

**1st & 2nd Readings: 10/11/2002**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective May 1, 2002:

20.10.01 Council Jurisdiction.

The compensation of the listed classifications under City Council jurisdiction shall be provided in this Chapter.

The rates stated herein shall be the hourly pay rates unless stated otherwise.

**Section 1.**

**International Union of Operating Engineers, Local 49 (CEQ)  
Effective May 1, 2002**

Permit rates of pay for maintenance and capital funded projects:

<b>FLSA</b>	<b>OTC</b>	<b>CODE</b>	<b>CLASSIFICATION</b>	<b>RATE /HOUR</b>	<b>T.TAX /HOUR</b>	<b>FRINGE HOUR</b>	<b>TOTAL /HOUR</b>
N	2	02460C	Con. Equipment Operator (A)	25.72	23.15	8.45	31.60
N	2	02470C	Con. Equipment Operator (B)	25.54	22.99	8.45	31.44
N	2	02480C	Con. Equipment Operator (C)	25.42	22.88	8.45	31.33
N	2	01180C	Automotive Mechanic	25.42	22.88	8.45	31.33
N	2	02490C	Con. Equipment Operator (D)	22.48	20.23	8.45	28.68
N	2	02500C	Con. Equipment Operator (E)	22.38	20.14	8.45	28.59
N	2	02540C	Con. Equipment Operator-Oiler	21.17	19.05	8.45	27.50
N	2	02550C	Con. Equipment Oiler -Truck Crane	21.27	19.14	8.45	27.59

Section 2. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective May 1, 2003:

Permit rates of pay for maintenance and capital funded projects:

<b>FLSA</b>	<b>OTC</b>	<b>CODE</b>	<b>CLASSIFICATION</b>	<b>RATE /HOUR</b>	<b>T.TAX /HOUR</b>	<b>FRINGE HOUR</b>	<b>TOTAL /HOUR</b>
N	2	02460C	Con. Equipment Operator (A)	26.42	23.78	9.35	33.13
N	2	02470C	Con. Equipment Operator (B)	26.24	23.62	9.35	32.97
N	2	02480C	Con. Equipment Operator (C)	26.12	23.51	9.35	32.86
N	2	01180C	Automotive Mechanic	26.12	23.51	9.35	32.86
N	2	02490C	Con. Equipment Operator (D)	23.18	20.86	9.35	30.21
N	2	02500C	Con. Equipment Operator (E)	23.08	20.77	9.35	30.12
N	2	02540C	Con. Equipment Operator-Oiler	21.87	19.68	9.35	29.03
N	2	02550C	Con. Equipment Oiler -Truck Crane	21.97	19.77	9.35	29.12

Adopted. Yeas, 12; Nays none.

Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute Change Order #12 to Contract #017669 with Premier Restaurant Equipment, increasing said contract by \$928, for a new contract total of \$240,172, for additional work required on the Convention Center Project, payable from the Convention Center Site Agency in the Permanent Improvement Projects Fund (4100-975-9751).

Adopted. Yeas, 12; Nays none.  
Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** – Your Committee, having under consideration the application of Thrivent Financial for Lutherans (formerly Lutheran Brotherhood) for a three-year extension of the existing interim use permit for the surface parking lot at 601 - 5<sup>th</sup> St S (85 stalls), and having conducted a public hearing thereon, now recommends approval of a one-year extension of the interim use permit.

Adopted. Yeas, 12; Nays none.  
Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee recommends concurrence in the recommendation of the Planning Commission granting the petition of Plymouth Christian Youth Center (BZZ-834) to rezone the property at 2202, 2206 and 2210 Oliver Ave N from R5, C1 and C2 to the R5 District to permit construction of a middle school and administrative offices, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 12; Nays none.  
Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-158, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2202, 2206 and 2210 Oliver Ave N to the R5 District, was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-158**  
**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 10/11/2002**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lot 3, Plymouth Christian Youth Center Campus, City of Minneapolis, County of Hennepin (2202, 2206 and 2210 Oliver Ave N - Plate 7) to the R5 District.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration applications of the Minneapolis Community Development Agency (#1396A-E) to allow vacation of the existing right-of-way and definition of new right-of-way for the development of the second phase of the Heritage Park Project, for property in the vicinity of the blocks bounded by Lyndale, 9<sup>th</sup> and Emerson Aves N and 7<sup>th</sup> St N, now concurs in the recommendation of the Planning Commission to grant said vacations, and to adopt the findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying resolutions vacating Howell Dr, Smith Circle, Rawlins Circle, 11<sup>th</sup> Ave N between Emerson and Aldrich Aves N, and Aldrich Ave N in vicinity of 7<sup>th</sup> St N.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-357, vacating Howell Dr, Smith Cir, Rawlins Cir, 11<sup>th</sup> Ave N between Aldrich and Emerson Aves, and a portion of Aldrich Ave N near 7<sup>th</sup> St N for the Heritage Park Project was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-357**  
**By Schiff**

**Vacating Howell Drive, Smith Circle, Rawlins Circle, 11<sup>th</sup> Avenue North between Aldrich and Emerson Avenues, and a portion of Aldrich Avenue North near 7<sup>th</sup> Street North.**

Resolved by The City Council of The City of Minneapolis:

That all those parts of Howell Drive, Smith Circle, Rawlins Circle, 11<sup>th</sup> Avenue North, and Aldrich Avenue North, as described below, are hereby vacated:

Vacation 1396A: Howell Drive as dedicated with BETHUNE FIRST ADDITION, according to the recorded plat thereof;

Vacation 1396B: Smith Circle as dedicated with CECIL NEWMAN PLAZA, according to the recorded plat thereof;

Vacation 1396C: Rawlins Circle as dedicated with CECIL NEWMAN PLAZA, according to the recorded plat thereof;

Vacation 1396D: That part of 11<sup>th</sup> Avenue North as dedicated with GALE'S SECOND ADDITION, according to the recorded plat thereof, lying between the southerly extension of the west line of Lot 1, Block 1, CECIL NEWMAN PLAZA, according to the recorded plat thereof, and the southerly extension of the east line of Lot 1, Block 2, said CECIL NEWMAN PLAZA;

Vacation 1396E: That part of Aldrich Avenue North as dedicated with CITY OF MINNEAPOLIS NEAR NORTHSIDE, according to the recorded plat thereof, lying westerly of the northerly extension of the east line of Outlot N, said CITY OF MINNEAPOLIS NEAR NORTHSIDE; and

That part of Aldrich Avenue North as dedicated with CITY OF MINNEAPOLIS NEAR NORTHSIDE, according to the recorded plat thereof, lying easterly of a line parallel with and distant 60.0 feet easterly of the east line and its northerly extension of Outlot N, said CITY OF MINNEAPOLIS NEAR NORTHSIDE.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the application of Theodore Ewing, for Skyway Event Services (BZZ-579) to vacate a portion of the City's right-of-way on Stinson Ave NE to permit a new warehouse and office building in vicinity of 1809 E Hennepin Ave, now concurs in the recommendation of the Planning Commission to grant said vacation, subject to retention of easement rights by the City of Minneapolis, Xcel Energy, Qwest, and Reliant Energy, and to adopt the findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying resolution vacating said right-of-way.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-358, vacating a part of Stinson Blvd near the intersection of E Hennepin Ave was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-358**

**By Schiff**

**Vacating a part of Stinson Boulevard near the intersection of East Hennepin Avenue.**

Resolved by The City Council of The City of Minneapolis:

That part of Stinson Boulevard described as follows: Beginning at the intersection of the westerly line and the southwesterly line of Lot 4, Block 25, Minneapolis Industrial District, Hennepin County, Minnesota; thence on an assumed bearing of North 48 Degrees 56 Minutes 34 Seconds West, a distance of 104.28 feet to a point that is 80 feet west of, at right angles, to the west line of said Lot 4; thence North 1 Degree 09 Minutes 30 Seconds East, parallel to the west line of said Lot 4 a distance

of 161.28 feet; thence South 65 Degrees 16 Minutes 50 Seconds East a distance of 7.72 feet; thence along a tangential curve concave to the northeast, said curve has a radius of 480.18 feet, a central angle of 9 Degrees 11 Minutes 55 Seconds and the chord of said curve bears South 70 Degrees 13 Minutes 07 Seconds East to a point on the northerly extension of the westerly line of said Lot 4; thence South 1 Degree 09 Minutes 30 Seconds West along said Northerly extension a distance of 5.14 feet to the northwest corner of said Lot 4; thence continuing South 1 degree 09 minutes 30 seconds West along the west line of said Lot 4 a distance of 195.35 feet to the point of beginning is vacated, except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, Xcel Energy, and Qwest of the Twin Cities, Reliant Energy Minnegasco, their successors and assigns, to enter upon that portion of the aforescribed right of way proposed to be vacated, which is described in regard to each of said corporations as follows, to wit:

As to the City of Minneapolis: The City of Minneapolis will retain an easement for storm sewer line maintenance purposes over, under, and across the westerly 25 feet of the proposed vacation area;

As to Xcel Energy: At such time as the property requires electrical power, the fee owner may be approached by Xcel Energy to grant easements for such facilities;

As to Qwest: Qwest maintains underground telephone facilities within the area to be vacated. Qwest is willing to describe an easement and expects the petitioner to pay any necessary relocation expenses;

As to Reliant Energy: Reliant Energy Minnegasco owns an existing gas main in the area to be vacated and will retain an easement over the area as follows: The north 50 feet of the east 20 feet of that part of Stinson Boulevard to be vacated. Reliant Energy Minnegasco expects the petitioner to pay any necessary relocation expenses;

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said portion of the Stinson Boulevard right-of-way proposed to be vacated upon or within the above-described areas without first obtaining the written approval of the corporations having utility facilities located within the area involved authorizing them to do so.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee recommends concurrence in the recommendation of the Planning Commission granting the petition of Noel Casey, d/b/a The Cardinal Bar (BZZ-817) to rezone the property at 3804-06 - 30<sup>th</sup> Ave S (a/k/a 2915 E 38<sup>th</sup> St) from R1A to the C1 District to permit an accessory surface parking lot, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-159, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3804-06 - 30<sup>th</sup> Ave S (also known as 2915 E 38<sup>th</sup> St) to the C1 District was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.



The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-159**  
**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 10/11/2002**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lot 1 and the north 30 feet of Lot 2, W.L. Badger's 1<sup>st</sup> Addition (3804-06 - 30<sup>th</sup> Ave S, a/k/a 2915 E 38<sup>th</sup> St - Plate 33) to the C1 District.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee recommends concurrence in the recommendation of the Planning Commission granting the petition of Catholic Eldercare (BZZ-785) to rezone the property at 2919 Randolph St NE and 121 and 129 - 29<sup>th</sup> Ave NE from R2B to the R4 District to permit demolition of two houses, a pole barn and a garage on church property, new construction of 35 units of senior housing, expansion of the existing St. Hedwig's church and construction of two new garages (Phase I - fall of 2002); and new construction of 72 units of assisted housing (Phase II - spring of 2003), and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-160, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2919 Randolph St NE and 121 and 129 - 29<sup>th</sup> Ave NE to the R4 District was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-160**  
**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 10/11/2002**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 5-24, Block 6, Northtown Addition, Hennepin County, MN (2919 Randolph St NE and 121 and 129 - 29<sup>th</sup> Ave NE - Plate 5) to the R4 District.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the Corcoran Midtown Revival Master Plan, a culmination of community-based planning efforts along Lake St from Cedar Ave to Hiawatha Ave, now concurs in the recommendation of the Planning Commission to approve the Plan, as set forth in Petn No 268278, recognizing that an amendment to *The Minneapolis Plan* is not necessary, and that all references to height restrictions are advisory.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the request for contract extension for the Downtown East/North Loop Master Plan, now recommends that the proper City officers be directed to prepare and execute an amendment to City of Minneapolis Contract #017199 for the Downtown East/North Loop Master Plan to allow for necessary services from the IBI Group during the review and approval period of the master plan.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the applications of the American Indian Business Development Council, for Franklin Bakery, to allow a wholesale bakery facility with accessory retail at 1004, 1008, 1014 & 1020 E Franklin Ave and 1921 - 10<sup>th</sup> Ave S, now recommends that the following recommendations of the Planning Commission be forwarded without recommendation:

a) Denial of the application to rezone property from C1 to the C2 District, but in lieu thereof, approve a rezoning to the I1 Light Industrial District to allow wholesale bakery facility with accessory retail, by passage of the accompanying ordinance amending the Zoning Code;

b) Application forwarded without recommendation to vacate the south 145 feet of the north-south alley on the north side of Franklin Ave between 10<sup>th</sup> and 11<sup>th</sup> Aves S.

Schiff moved to substitute the following report for the above report. Seconded.

Adopted by unanimous consent.

**Z&P** - Your Committee, having under consideration the applications of the American Indian Business Development Council, for Franklin Bakery, to allow a wholesale bakery facility with accessory retail at 1004, 1008, 1014 & 1020 E Franklin Ave and 1921 - 10<sup>th</sup> Ave S, now recommends:

a) Concurrence in the recommendation of the Planning Commission to deny the application to rezone property from C1 to the C2 District, but in lieu thereof, approve a rezoning to the I1 Light Industrial District to allow wholesale bakery facility with accessory retail, with passage and summary publication of the accompanying ordinance amending the Zoning Code; and

b) Passage and summary publication of the accompanying resolution vacating a part of the public alley north of Franklin Ave between 10<sup>th</sup> and 11<sup>th</sup> Aves S.

Adopted. Yeas, 12; Nays none.

Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-161, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1004, 1008, 1014 & 1020 E Franklin Ave and 1921 - 10<sup>th</sup> Ave S to the I1 District was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-161**  
**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 10/11/2002**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of the South 97 feet of Lots 5, 6 and 7, Block 4, J.S. & W. Elliot's Addition to Minneapolis, Hennepin County, MN (1004 and 1008 E Franklin Ave - Plate 20) to the I1 Light Industrial District;

B. Lots 9 and 10, Block 4, J.S. & W. Elliot's Addition to Minneapolis, Hennepin County, MN (1020 E Franklin Ave - Plate 20) to the I1 Light Industrial District;

C. Lot 8, Block 4, J.S. & W. Elliot's Addition to Minneapolis, Hennepin County, MN (1014 E Franklin Ave - Plate 20) to the I1 Light Industrial District;

D. That part of Lots 5, 6 and 7, Block 4, J.S. & W. Elliot's Addition to Minneapolis: Beginning at a point in West line of said Lot 5, which point is 50 feet South of Northwest corner of said Lot 5; thence at right angles East and parallel with North boundary line of said Lots 5, 6 and 7, to East line of said Lot 7; thence North along said East line of Lot 7, 30 feet; thence West and parallel with North line of said Lots 5, 6 and 7 to West line of said Lot 5; thence South along said West line to point of beginning (1921 - 10<sup>th</sup> Ave S - Plate 20) to the I1 Light Industrial District.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-359, vacating a part of the public alley north of Franklin Ave between 10<sup>th</sup> and 11<sup>th</sup> Aves S was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-359**  
**By Schiff**

**Vacating a part of the public alley north of Franklin Avenue between 10<sup>th</sup> and 11<sup>th</sup> Avenues South.**

Resolved by The City Council of The City of Minneapolis:

That all that part of the public alley as platted in Block 4, J. S. & W. Elliot's Addition, Hennepin County, Minnesota, described as being bounded on the south by a line from the southeast corner of Lot 7 to the southwest corner of Lot 8, said J. S. & W. Elliot's Addition, and bounded on the north by a line from a point on the east line of Lot 7 which is 40 feet south of the northeast corner of Lot 7 to a point on the west line of Lot 8 which is 40 feet south of the northwest corner of Lot 8, all in Block 4, said J. S. & W. Elliot's Addition is hereby vacated.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration applications of Plymouth Christian Youth Center (#BZZ-741) to allow construction of a middle school and administrative offices at 2202, 2206 and 2210 Oliver Ave N, now concurs in the recommendation of the Planning Commission to grant said vacations, subject to retention of easement rights by Xcel Energy Minnegasco and Reliant Energy, and to adopt the findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying resolutions:

- a) Vacating a portion of Oliver Ave N (#1391);
- b) Vacating a portion of the alley between Oliver and Penn Aves N (#1392);
- c) Vacating a portion of the alley between Newton and Oliver Aves N (#1393).

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-360, vacating a portion of Oliver Ave N was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-360**

**By Schiff**

**Vacating a portion of Oliver Avenue North.**

Resolved by The City Council of The City of Minneapolis:

That all that part of Oliver Avenue North and legally described as Beginning at the most westerly corner of lot 23, Block 21, Forest Heights, according to the recorded plat thereof, Hennepin County, Minnesota; thence southeasterly along the southwesterly line of said Lot 23, and its southeasterly extension, 71.60 feet, to a point of compound curvature (said southwesterly line is a curve concave to the southwest having a radius of 1213.90 feet, central angle of 03 degrees 22 minutes 47 seconds and a chord bearing of South 44 degrees 22 minutes 11 seconds East); thence southerly 58.53 feet, along a compound curve concave to the west having a radius of 60.00 feet and a central angle of 55 degrees 53 minutes 48 seconds to a point on the westerly line of Lot 28, Block 23, Forest Heights, distant 36.11 feet northerly, as measured along said westerly line of said Lot 28, from the southwest corner of said Lot 28 and said line there terminating is hereby vacated except that such vacation shall not affect the existing easement right and authority of Reliant Energy Minnegasco and Xcel Energy, their successors

and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

As to Reliant Energy Minnegasco: the northwesterly 40.00 feet of that part of Oliver Avenue North which lies northeasterly of the southeasterly extension of the Northeasterly right-of-way line of 23<sup>rd</sup> Avenue North and which lies westerly of the westerly right-of-way line of Broadway Avenue North;

As to Xcel Energy: the entire area to be vacated;  
to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said public alley upon or within the above-described areas without first obtaining the written approval of the corporations having utility facilities located within the area involved authorizing them to do so.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-361, vacating a portion of the alley between Oliver and Penn Aves N was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-361**

**By Schiff**

**Vacating a portion of the alley between Oliver and Penn Avenues North.**

Resolved by The City Council of The City of Minneapolis:

That all that part of the alley in Block 21, Forest Heights, according to the recorded plat thereof, Hennepin County, Minnesota, lying southerly of a line drawn parallel with and 26.00 feet southeasterly of the northwesterly line of Lot 22, Block 21, Forest Heights, and its northeasterly extension is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporations as follows, to wit:

As to Xcel Energy: the northeasterly 15 feet of the proposed vacation area;  
to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said public alley upon or within the above-described areas without first obtaining the written approval of the corporations having utility facilities located within the area involved authorizing them to do so.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-362, vacating a portion of the alley between Newton and Oliver Aves N was passed October 11, 2002 by the City Council and approved October 17, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-362**

**By Schiff**

**Vacating a portion of the alley between Newton and Oliver Avenues North.**

Resolved by The City Council of The City of Minneapolis:

That all that part of the alley in Block 23, Forest Heights, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of a line drawn parallel with and 26.00 north of the south line of Lot 26, Block 23, Forest Heights and its easterly extension is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporations as follows, to wit:

As to Xcel Energy: the easterly 15 feet of the proposed vacation area; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to the above-named corporation, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said public alley upon or within the above-described areas without first obtaining the written approval of the corporation having utility facilities located within the area involved authorizing them to do so.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**MOTIONS**

Johnson, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of November, 2002, approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Benson moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Kevin Mackin for a residential block event to be held Saturday, October 12, 2002, between the hours of 12:00 noon and 10:00 p.m. on Blaisdell Avenue between 56<sup>th</sup> and 57<sup>th</sup> Streets West. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Lane moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Linda Robertson for a residential block event to be held Sunday, October 20, 2002, between the hours of 3:00 and 8:00 p.m. on Washburn Avenue South between 48<sup>th</sup> and 49<sup>th</sup> Streets. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

Schiff introduced the subject matter of an ordinance amending Title 20, Chapter 551, of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, which was given its first reading and referred to the Zoning & Planning Committee (Adding a density and floor area ratio bonus for multiple-family dwellings in the Industrial Living Overlay District where all required parking is located within an enclosed parking garage).

Ostrow moved to amend the January 2, 2002, action organizing the City Council as follows:

Council Vice President Lilligren be appointed to the Executive Committee replacing Council Member Goodman.

Council Member Johnson be appointed to the Convention Center Long Range Planning Committee replacing Council Member Goodman. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Lilligren moved to approve the Year 2003 calendar showing City Council meeting dates. (Petr No 268280). Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Johnson moved that the City Attorney, Minneapolis Community Development Agency (MCDA) and Planning Department staff examine state law relative to the following issue infill housing issues and suggest possible actions for the City's legislative program:

- Recent state law changes in property disposition have modified the ability of the City to work effectively with neighborhoods on designing appropriate infill housing.
- City staff has been working with Hennepin County in a Vacant and Boarded Building Task Force to address property disposition in light of this new law.
- There is a growing concern about the design and durability of some types of infill residential housing.

Johnson further moved that the Planning Department be directed to prepare a work plan for developing infill housing design guidelines.

Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Johnson introduced the subject matter of an ordinance requiring all new single-family residential construction include a garage, which was given its first reading and referred to the Public Safety & Regulatory Services and Zoning & Planning Committees.

## RESOLUTIONS

Ostrow, Zerby, Biernat, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Lane offered a resolution thanking McKinsey & Company for their contribution of research, recommendations and technical assistance to the City of Minneapolis.

Adopted. Yeas, 12; Nays none.

Absent - Lane.  
Passed October 11, 2002.  
Approved October 17, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

(Not published. See Resolution 2002R-363 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

**RESOLUTION 2002R-363**

**By Ostrow, Zerby, Biernat, Johnson, Johnson Lee, Zimmermann, Goodman,  
Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Lane**

**Thanking McKinsey & Company for their contribution of research, recommendations and technical assistance to the City of Minneapolis.**

Whereas, earlier this year, McKinsey & Co. offered to assist the City of Minneapolis, on a pro bono basis, with a project of the City's choice; and

Whereas, Mayor Rybak asked McKinsey & Co. to assist the City with a study of its planning and community development priorities and functions; and

Whereas, McKinsey & Co. contributed the time of seven project staff whose collective investment in the project was in excess of \$1 million, and included reviewing more than 125 City reports and documents, conducting over 300 stakeholder interviews, receiving and analyzing nearly 1,000 responses to an internet survey, and carrying out additional best-practice research; and

Whereas, beginning in February of this year, McKinsey & Co. delivered to the City a series of reports documenting their findings and recommendations, culminating in their June 14<sup>th</sup>, 2002, report entitled *Strengthening Community and Economic Development in Minneapolis*; and

Whereas, this report significantly contributed to a citywide dialogue about the City's planning and community development priorities and functions, which resulted in the design and adoption of the *Focus Minneapolis* initiative by the City Council;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis thanks McKinsey and Co. for providing research, recommendations and technical assistance that have shaped the *Focus Minneapolis* initiative to strengthen the City's planning and community development functions.

Be It Further Resolved that the City of Minneapolis acknowledges the significant contribution that McKinsey & Co. has made to the City throughout this process and commends the project team for their exemplary work on behalf of the City.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ostrow, Zerby, Biernat Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Lane offered a resolution commending the City of Minneapolis web team for their excellent service and for bringing national recognition for their design and coordination of the City's web site.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Not published. See Resolution 2002R-364 on file in the office of the City Clerk.)



The following is the complete text of the unpublished resolution.

**RESOLUTION 2002R-364**

**By Ostrow, Zerby, Biernat, Johnson, Johnson Lee, Zimmermann, Goodman,  
Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Lane**

**Commending the City of Minneapolis web team for their excellent service and for bringing national recognition for their design and coordination of the City's web site.**

Whereas the Center for Public Policy at Brown University has issued its second annual report on e-government in the United States, which analyzes city government web sites in the 70 largest metropolitan areas; and

Whereas Brown University evaluated city web sites for various features dealing with information availability, service delivery and public access; and

Whereas the City of Minneapolis received the highest e-government rating of the 70 cities; and

Whereas Brown University determined that the City of Minneapolis web site is "clear, easy to navigate, and provides citizens with a variety of services and information;" and

Whereas the City of Minneapolis moved from eleventh place in 2001 to first place in 2002 in the annual study following a redesign of the web site by City staff and the addition of new features and services; and

Whereas the web site is a critical part of the City's efforts to improve public access to information and services and provides the foundation for e-government initiatives that will transform the delivery of City services;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council commends the web team of the Department of Information and Technology Services for providing excellent service to the public and bringing national recognition to Minneapolis by designing and coordinating the City of Minneapolis web site.

Be It Further Resolved that the City Council thanks City departments for making information available on the web site and providing Internet access to City services.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**UNFINISHED BUSINESS**

Tariq Restaurant (137 E Franklin Av): Revoke Restaurant License for failure to complete site plan review process. (Postponed 6/7/2002, PS&RS)

Auto Mart (501 W Lake St): Revoke Site Plan Review Permit SP-215 and Motor Vehicle Dealer - Used Car (Additional Lot) License for failure to complete site plan review process. (Postponed 7/12/2002, PS&RS)

Benz Auto (4056 Washington Av N): Grant Provisional Motor Vehicle Repair Garage License, subject to conditions. (Postponed 8/23/2002, PS&RS)

By unanimous consent, the above three reports continued to be postponed.

Shawn Punjwani, for Embassy Enterprises (re 3807 Fremont Av N): Grant waiver from moratorium on grocery stores/auto convenience facilities in the C1 & C2 zoning districts. (Postponed 9/13/2002, Z&P)

**Z&P** - Your Committee, having under consideration the application of Shawn Punjwani, for Embassy Enterprises, for a waiver from Interim Ordinance 2002-Or-070, providing for a moratorium on the establishment, reestablishment, or expansion of grocery stores and automobile convenience facilities in the C1 and C2 zoning districts between Penn and Lyndale Aves N and 26<sup>th</sup> and 44<sup>th</sup> Aves N (passed 7/26/02), to allow the property owner of the convenience store at 3807 Fremont Ave N to apply to rezone the northernmost lot of three lots to the C1 District to allow an existing parking area to remain, and having conducted a public hearing thereon, now recommends that the findings prepared by the Planning Department staff be adopted and that said waiver be granted.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Passed October 11, 2002.

Approved October 17, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

### NEW BUSINESS

Biernat introduced Ordinances amending Title 3 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection*, which were given their first reading and referred to the Public Safety & Regulatory Services Committee for a public hearing on October 16, 2002 (Updating fees, clarifying registration standards and equipment maintenance requirements) amending the following:

- a) Chapter 48 relating to *Minneapolis Watershed Management Authority*, and
- b) Chapter 50 relating to *Minneapolis Waste Control and Waste Discharge Rules*.

Biernat moved to direct the staff of the Public Works Department to have the World Series victory parade come down Central Avenue. Seconded.

Adopted upon a voice vote.

Lilligren moved to adjourn. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Lane.

Adjourned.

Merry Keefe,  
City Clerk.

Created: 10/14/02  
Modified: 10/17/02  
Corrected: 12/10/02  
01/09/02